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NATURALIZATION OF JEWS IN NEW YORK UNDER THE ACT OF 1740.

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NATURALIZATION OF JEWS IN NEW YORK UNDER THE ACT OF 1740.

By Leon Hühner, A.M., L.L.B., *New York City.*

At the first meeting of this Society, the Hon. Simon W. Rosendale presented a copy of the Act of 1740, allowing naturalization of Jews in the American colonies.[1] He called particular attention to Section 5 thereof, which required "the Secretary of every colony to send to the offices of the Commissioners for Trade and Plantations, to be kept in the City of London or Westminster, a true and perfect list of the names of all and every person and persons who have entitled themselves to the benefit of the Act, which lists so transmitted were required to be regularly entered by the Commissioners in a book to be kept for that purpose."

On that occasion Judge Rosendale recommended that these European lists be looked up with a view of identifying some of the early Jewish settlers in America.

Following this suggestion, a very valuable paper was submitted at the meeting of 1896 by Dr. J. H. Hollander, in which a complete history of the Act was given, as well as an account of the ineffective movement for its repeal in 1753. It appeared that Mr. Lucien Wolf, of London, had previously examined the archives of the Public Record Office and made a list of the names to be found in the offices of the Commissioners referred to. This list was verified by Dr. Hollander

[1] Simon W. Rosendale, "An Act Allowing Naturalization of Jews in the Colonies," *American Jewish Historical Society Publications*, No. 1, p. 93.

by independent research and appeared in No. 5 of the Society's Publications.[2]

The present paper is devoted to another line of research heretofore untouched, namely, the original official lists made in America, from which the English lists were prepared.

Investigation shows that the lists examined by Dr. Hollander are neither conclusive nor absolutely correct. Errors naturally crept in, due partly to the clerks in America who transcribed the names, and partly no doubt to the clerks in England when making their entries. Furthermore, after some years the London officials seem to have grown careless in making entries; thus, while in New York, for instance, the colonial officials continued to send home lists of naturalizations pursuant to statute as late as 1770, the last entry relating to New York found by Dr. Hollander in England is dated October, 1748.

Through the courtesy of Mr. Eames, and Mr. Palsits, of the Lenox Library, the present writer had the privilege last summer of examining a mass of original manuscripts relating to New York, belonging to that institution. He there found a large folio manuscript book belonging to the Emmett collection which turned out to be the original book of entry for naturalizations in New York under the Act mentioned.

This volume adds to our knowledge of the Act and also of the persons who took advantage thereof. In point of numbers it adds at least ten names to the list of New York Jews not included in the English transcript. From it we learn also the exact date of naturalization each inst .e and the spelling of some of the names is corrected. The English list in some cases had substituted an entirely different name from that in the original entry. Thus, for instance, in Dr. Hollander's list a name is given as Solomon Bares; the original

[2] J. H. Hollander, "The Naturalization of Jews in the American Colonies under the Act of 1740," *American Jewish Historical Society Publications*, No. 5, p. 105.

entry in New York shows the name of the person to have been Solomon Nare.

The manuscript at the Lenox Library is entitled as follows: "The Severall Persons hereafter named took the Oaths made repeated the Declaration as Directed by an Act of Parliament made in the thirteenth year of the Reign of King George the Second—Entituled 'An Act for Naturalizing such foreign Protestants and others therein mentioned as are settled or shall settle in any of His Majesty's Colonies in America.'"

The book is marked off in parallel columns toward the binding so that the names run along over both pages, one under the other. The headings of these columns are as follows:

Names of the Persons naturalized.
Their religious Profession.
Their Temporall Profession and Place of Abode.
Minister Certifying receiving the Sacrament.
The witnesses names to the Certificate.
The day of the month.

No witnesses appear in connection with any of the Jewish names, while in the case of all other applicants the names of witnesses are given. This fact is fully explained by the provisions of the Statute. Article II provides that with the exception of Quakers and Jews "No one shall be naturalized by virtue of this Act, unless such person shall have received the Sacrament of the Lord's Supper in some Protestant and Reformed Congregation within this Kingdom of Great Britain or within some of the said Colonies in America within three months next before taking and subscribing the said oaths and making, repeating and subscribing the said Declaration, and shall at the time of his taking and subscribing the said oaths and making, repeating and subscribing the said Declaration, produce a certificate signed by the person Administering the Said Sacrament and attested by two credible Witnesses, whereof an entry shall be made in the Secretary's Office of the Colony," etc.

As the Statute provided that naturalization might take place in open court before the Chief Judge or other Judge of the Colony wherein the person resides, and that an entry be made in a book to be kept in court for the purpose, it is likely that there were several books in the different courts. These were ultimately transcribed by the Secretary of the Colony in a special book kept by him. The book at the Lenox Library is evidently the Secretary's book, whose duty it was to transmit the names to England, for it shows such transmission from time to time.

Although the statute required the names to be transmitted yearly, this provision does not seem to have been observed after 1741. Following an entry April 27, 1741, appears the following note:

"So far Sent Home in May 1741, according to the Statute."

No similar entry appears for years afterward, the last being July, 1770, followed by the remark, "Hitherto lists sent to the Board Trade." The last Jewish naturalization bears date January, 1766.

The book contains 34 Jewish names in all, each particularly described as "Jew." All are described as of the "City of New York, merchant," with the following exceptions:

Isaac Hays, Tallow chandler.
Isaac Adolphus, Trader.
Hyam Myers, Butcher.
Manuel Myers, Trader.
Isaac Elizer, Rhode Island, Merchant.
Levy Hart, of the Colony of New York, Merchant.
Jonas Solomons, " " "
Joseph Jesurum Pinto, Minister of Jewish Congregaton.

The last-named was naturalized January 22, 1766, and his is the last Jewish name on the list.

While discussing this list with my friend Mr. Kohler, he suggested that the Rhode Island name may have been that of a Jew who was refused naturalization in his own colony. Investigation led to the following interesting result:

In 1762, Aaron Lopez and Isaac Elizar, both of Newport, applied for naturalization, which was refused.

The decision of the court was based in part upon the fact that the applicants were Jews. In order to give it some color of logic, however, the following far-fetched construction was put upon the Act of 1740: The Naturalization Act, it was argued, "was designed for increasing the number of inhabitants, but as the colony was already full, it could not be the intention of the Act that any more should be naturalized." On this episode, Arnold the historian suggests what is probably the truth, that the decision was not due to religious prejudice, but was simply a political expedient to prevent any increase in the voting population during the struggle then going on between Chief Justice Ward and Governor Hopkins.[3] In a paper on the "Jews of New England Prior to 1800," presented at the last meeting, the present writer called attention to the fact that Lopez promptly went to Massachusetts and obtained naturalization at Boston.[4] The original New York record now shows that Elizar at about the same time came to New York and there obtained the benefits of the Act.

It is not unreasonable to suppose that similar manuscripts have been preserved in the rest of the thirteen colonies. If the present paper serves to stimulate research in that direction and thereby to bring to light names of early Jewish settlers, its object will have been amply fulfilled.

[3] Charles P. Daly, "The Settlement of the Jews in North America," New York, 1893, pp. 82-84. See also Arnold's "History of Rhode Island," p. 496.

[4] "The Jews of New England (other than Rhode Island) prior to 1800," *American Jewish Historical Society Publications*, No. 11, p. 81. See also *Collections of the Massachusetts Historical Society*, 1858-1860, Vol. IV, p. 342.

APPENDIX. (SHOWING ARRANGEMENT IN ORIGINAL RECORD.)

Names of the Persons Naturalized.	Their Religious Profession.	Their Temporall Profession and Place of Abode.	Minister Certifying Receiving of Sacrament.	The Witnesses Names to the Certificate.	The Day of the Month.
David Gomez	Jew.	City of New York. Merchant.	.....	.....	Jan'y 24, 1740.
Mordecai Gomez	Jew.	Do.	.....	.....	.....
Daniel Gomez	Do.	Do.	.....	.....	.....
Jacob Ferro, Jur	Do.	Do.	.....	.....	.....
Samuel Levy	Do.	Do.	.....	.....	.....
Samuel Myers Cohen	Do.	Do.	.....	.....	.....
Abraham Myers Cohen	Do.	Do.	.....	.....	.....
Abraham Isaacs	Do.	Do.	.....	.....	.....
Isaac Levy	Do.	Do.	.....	.....	.....
Solomon Myers	Do.	Do.	.....	.....	.....
Joseph Simson	Do.	Do.	.....	.....	.....
Solomon Nare	Do.	.....	.....	.....	.....
David Hay	Do.	.....	.....	.....	.....
Abm. Rodrigues De Rivera	Do.	.....	.....	.....	.....
Dan. Rodrigues Vinera	Do.	.....	.....	.....	.....
Moses Lopez	Do.	.....	.....	.....	.....
Judah Hay	Do.	City of New York. Merchant.	.....	.....	.....
Levy Samuel.	Do.	Do.	.....	.....	April 27, 1741.
Solomon Hart, Jur	Do.	Do.	.....	.....	Do.

So far Sent Home in May 1741 According to the Statute.

Names of the Persons Naturalized.	Their Religious Profession.	Their Temporall Profession and Place of Abode.	Minister Certifying Receiving the Sacrament.	The Names of the Witnesses to the Certificate.	The Month & Year.
Isaac Nunes Henriques	Jew.	.....	.....	.....	Oct. 23, 1741.
Abraham De Leas	Do.	.....	.....	.....	.....
Moses Levy	Jew.	of the City of New York. Merchant.	.....	.....	April 19, 1743.
Isaac Seixas	Jew.	of the City of New York. Merchant.	.....	.....	Novr 4, 1745
Jacob Rodrigues Rivera	Jew.	of the Same City. Merchant.	.....	.....	Jan. 21, 1746.
Isaac Hays	Jew.	of the Same City. Tallow Chandler.	.....	.....	April 26, 1748.
Moses Benjamin Franks	Jew.	of the Same City.	.....	.....	Octr 18, 1748.
Isaac Adolphus	Jew.	Do. Trader.	.....	.....	July 27, 1758.
Hyam Myers	Jew.	Do. Butcher.	.....	.....	Jan'y 16, 1759.
Manuel Myers	Do.	Do. Trader.	.....	.....	Jan'y 16, 1759.
Isaac Elizer	Jew.	Rhode Island. Merchant.	.....	.....	July 23, 1763.
Levy Hart	Jew.	Colony of New York. Merchant.	.....	.....	Octobr 27, 1763.
Jonas Solomons	Do.	Do. Do.	.....	.....	Octobr 27, 1763.
Napthaly Hart Meyers	Jew.	City of New York. Merchant.	.....	.....	April 27, 1764.
Joseph Jesurum Pinto	Jew.	Do. Minister of Jewish Congn.	.....	.....	Jan'y 22d 1766.

Hitherto List Sent to the Board Trade.

There are no other Jewish names though the other entries continue to July 1770.

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